

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	CRIM. NO. 04-10010-PBS
)	
MATTHEW DWINELLS)	

MOTION TO CONTINUE SENTENCING

The defendant Matthew Dwinells respectfully moves this Court for a two to three-week continuance of the sentencing hearing in the above-captioned case. The sentencing is currently set for February 14, 2006.

As grounds for this motion, undersigned counsel states that the defendant's forensic psychologist has not yet finished writing her report of the defendant's psychological evaluation.¹ Defense counsel expects to get the report some time during the next week. However, that timing is likely to put the report in counsel's hands less than two weeks before the sentencing hearing. Undersigned counsel feels this is too short a period of time for her to incorporate the psychologist's report into her sentencing presentation and get the materials to the court and opposing counsel sufficiently in advance of the sentencing to be carefully considered by all parties. For these reasons, counsel

¹ The defense has retained Dr. Carol Ball to evaluate Mr. Dwinells.

requests a short continuance of two to three weeks for this sentencing hearing.

Counsel has left a telephonic message with Assistant U.S. Attorney Donald Cabell regarding this motion for a continuance of the sentencing. Counsel has not heard from Mr. Cabell and therefore cannot make any representations regarding his position on this motion.

Respectfully submitted

By his attorney,

/s/ Syrie D. Fried
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CERTIFICATE OF SERVICE

I, Syrie D. Fried, do hereby certify that this document has been filed electronically and that it will be served electronically to registered ECF participants as identified on the Notice of Electronic Filing (NEF) on January 27, 2006.

/s/ Syrie D. Fried

Syrie D. Fried